



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814 • (208) 769-1422

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

June 17, 2008

Mr. Kevin Scherer  
Idaho Transportation Department  
600 West Prairie  
Coeur d'Alene, ID 83815

RE: Draft Certification of NWW No. 041100021 Dover Bridge-ITD

Dear Mr. Scherer,

On February 6, DEQ was notified by the Army Corps of Engineers that your permit to construct the Dover Bridge had expired and required re-authorization and certification. On February 28, 2008 we requested additional information and received it on April 21, 2008. A site visit was conducted on June 13, 2008 to answer our remaining questions.

DEQ has examined this application to discharge fill material into 4.6 acres of wetlands adjacent to unnamed tributaries to Pend Oreille River. The purpose of the fill is to construct a replacement bridge that carries U.S. Highway 2 over a railroad corridor. The project includes utility installation and relocation, temporary fills for construction access, relocation of a bike path and the demolition of the old bridge and approaches. There will be 3.76 acres of scrub-shrub and emergent wetlands constructed on site as part of the mitigation requirements.

This draft certification process allows the public to examine the draft document and provide written comments to DEQ for a 30 day period of time. At the end of this comment period, DEQ will consider the comments and provide our final certification decision. DEQ requested a time extension from the Army Corps of Engineers to accommodate this process. DEQ anticipates a final certification decision no later than July 30, 2008.

Under Section 401 of the Federal Clean Water Act, federal agencies issuing discharge permits must be provided a notice of certification from the State of Idaho that the project will meet state water quality standards. By copy of this letter, the Army Corps of Engineers is being notified of our draft certification decision and conditions.

The following conditions shall be applied to the Army Corps of Engineers Permit for the project:

1. If there is a spill or release of a hazardous material, the State Communications Center shall be contacted immediately at 1-800-632-8000. All contractors shall have ready access to the State Communications Center number.
2. Each field supervisor of every contractor working on-site shall read this certification.
3. Hazardous and deleterious materials shall not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of state waters unless adequate measures and controls are provided to insure that those material will not enter state waters as result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third party activities.
4. Work in stream channels or adjacent wetlands shall be done at low flow. This does not include areas isolated from surface water using cofferdams.
5. This certification does not authorize return flows from a mechanical water treatment system unless authorized by a NPDES discharge permit.
6. This certification does not authorize discharges to waters of the state for purposes of trench, foundation or cofferdam de-watering without prior approval from DEQ. These waters are typically highly turbid and can include added pollutants such as cement, oils, grease and drilling mud.
7. Turbidity shall be measured if a visible plume of sediment can be seen in a stream, associated wetlands or the Pend Oreille River resulting from this project.
8. Turbidity in the plume shall not exceed background turbidity by more than 50 NTU instantaneously or more than 25 NTU for more than 10 consecutive days and shall be measured immediately downstream of the work causing the turbidity. Background turbidity shall be sampled immediately upstream of the project but above any disturbance created by the project. One background measurement shall be taken for each sampling event.
9. Monitoring data shall be legibly recorded in an organized fashion such that location of sample, turbidity data presented in nephelometric units, time of collection and cause of turbidity is clearly indicated.

10. If turbidity standards (condition #8.) are exceeded, immediate steps shall be taken to reduce turbidity to below the standard. These steps shall use knowledgeable and reasonable effort, using a higher level of knowledgeable and reasonable effort at each instance water quality standards are exceeded. This iterative process ensures that best management practices are replaced or enhanced by more effective measures. These steps shall be legibly recorded in an organized fashion.
11. No soil binder or fertilizer shall be placed so as to enter streams or jurisdictional wetlands.
12. Silt fences shall be placed in such a manner so as to prevent sediment from entering the water body or wetland. Silt fences are not to be used to temporarily trap sediment in a water body or wetland. This includes areas dewatered due to seasonal drawdown or seasonally dry stream channels and adjacent wetlands. The intent of silt fence use is to keep the soil on uplands.
13. Placement of portable toilets shall not be in the vicinity of any water body. The distance shall be such that if tipped over, the discharge should not be able to reach a water body or wetland. A barrier of straw bales could also be constructed to provide secondary containment if this distance can't be achieved due to site restrictions.
14. The contractors shall be notified of and be prepared for seasonal changes in stream flow and ground water levels. Winter and spring months commonly experience rain on snow events, periodic rapid snow melt throughout the winter and rising ground water levels. Best management practices shall be designed to function effectively given these considerations.

If construction is completed in accordance with the described work plan and the above conditions, DEQ certifies under Section 401 that this construction will comply with applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and will not violate Idaho Water Quality Standards.

Any modification or amendment to the project, which DEQ expects will result in additional impacts to water quality, shall require a new 401 water quality certification from DEQ before any construction activities affected by the modification or amendment may proceed.

All construction activities authorized under the referenced permit shall cease for failure of the applicant to comply with the conditions of this certification and shall not resume

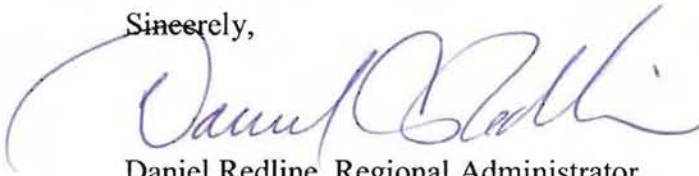
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until the applicant demonstrates to the satisfaction of DEQ compliance with all the conditions of this certification.

The Final §401 Water Quality Certification may be appealed pursuant to the Environmental Protection and Health Act, Idaho Code 39-107(5), the Idaho Administrative Procedure Act and the rules of Administrative Procedure before the Board of Environmental Quality, IDAPA 58.01.23. Such an appeal is a prerequisite to any district court action and must be initiated by filing a petition for a contested case in accordance with the Rules of Administrative Procedure before the Board of Environmental Quality (IDAPA 58.01.23) within thirty-five days of the date of the Final §401 Certification.

This certification does not constitute authorization of the permitted activities by any other local, state or federal agency or private person or entity. This certification does not excuse the permit holder from any obligation that may exist to obtain any other necessary approvals, authorizations or permits, including without limitation, any approval, if one is required, from the owner of a water conveyance system to use the system in connection with the permitted activities.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel Redline', is written over a horizontal line.

Daniel Redline, Regional Administrator  
Coeur d'Alene Regional Office

cc:

Jim Brady - Idaho Department of Lands, Sandpoint  
Mary Terra-Berns, Idaho Fish and Game  
John Olson - U.S. Environmental Protection Agency, Boise  
Nicholle Rowell - Army Corps of Engineers, Boise